

# **HOUSE RULES**

## **125th MAINE LEGISLATURE**

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Additional copies available from Heather J.R. Priest, Clerk of the House  
2 State House Station, Augusta, Maine 04333-0002, 207-287-1400

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## **RULES OF THE HOUSE**

### **125th LEGISLATURE**

**Preamble.** These rules of the House of Representatives are adopted pursuant to the Constitution of Maine to assist in carrying out the responsibilities of the House of Representatives. These rules take precedence over the Joint Rules, statutes enacted by a prior Legislature relating to the proceedings of the House and other rules used in Legislative assemblies. These rules govern the proceedings of the House in all matters, subject only to the requirements of the Constitution of Maine.

## **PART 1**

### **GENERAL PROVISIONS**

**Rule 101. Chaplains.** Every morning the House on assembling shall join with the Chaplains in religious service. On the first legislative day of each week, the National Anthem must follow the religious service. Every morning the House after assembling shall recite the pledge of allegiance.

**Rule 102. Monitors.** A monitor shall see to the observance of the rules of the House. If any member violates any of the rules of the House and persists in violating the rules after being notified of the violation by any monitor, the monitor shall give information of the violation to the House.

**Rule 103. Vacancy in the office of Clerk or Assistant Clerk.** A Clerk or Assistant Clerk is either appointed or elected in the following circumstances.

A. In the case of a vacancy in the office of Clerk:

- (1) When the Legislature is in session, the House elects a Clerk; or
- (2) When the Legislature is not in session, the Assistant Clerk is Clerk pro tempore to serve until the Legislature is in session and elects a Clerk.

B. In the case of a vacancy in the office of Assistant Clerk:

- (1) When the Legislature is in session, the House elects an Assistant Clerk; or
- (2) When the Legislature is not in session, the Speaker shall appoint an Assistant Clerk to serve until the Legislature is in session and elects an Assistant Clerk.

C. In the case of a vacancy in the offices of the Clerk and Assistant Clerk:

- (1) When the Legislature is in session, the House elects a Clerk and Assistant Clerk; or
- (2) When the Legislature is not in session, the Speaker shall appoint a Clerk and Assistant Clerk to serve until the Legislature is in session and elects a Clerk and Assistant Clerk.

**Rule 104. Partisan staff.** The floor leaders shall appoint partisan staff with staffing patterns determined by House leadership.

**Rule 105. Lobbyists banned from House floor.** One-half hour before the beginning of any regularly scheduled session, registered lobbyists are banned from the floor of the House of Representatives.

**Rule 106. Admission to Representatives' hall.** Only a member or officer of the House, a member of the Senate, the Secretary of the Senate, the Assistant Secretary of the Senate, the Governor, heads of state departments and bureaus, Justices of the Supreme Judicial Court, Chaplains of the Senate and reporters of the proceedings and debates of the House may be admitted within the Representatives' hall, unless invited by some member of the House. While the House is in session, only members and officers of the House and officers of the Senate on official business are admitted inside the rail, except members of the press, who shall occupy places at the press table, and guests of the Speaker.

**Rule 107. Legislation establishing House proceedings statutorily.** A member may question the appropriateness of a bill that attempts to establish proceedings of the House in statute. Such legislation may be ruled not properly before the House by the Speaker.

**Rule 108. Conduct during joint conventions.** During joint conventions, and at any time so determined by the presiding officer, personal electronic communication devices in the chamber or the gallery must be turned off and inconspicuously placed.

**Rule 109. Use of personal electronic communication devices.** During all sessions of the House, a member shall restrict that member's use of all personal electronic communication devices to personal business and business of the House and shall in such use exercise high standards of discretion, conduct and decorum.

## **PART 2**

### **SPEAKER**

#### **Rule 201. Duties and Powers of the Speaker**

**1. Duties.** The Speaker shall:

A. Take the chair at the hour to which the House has adjourned, call the members to order and, after the appearance of a quorum, cause the journal of the preceding day to be read;

B. Announce the business before the House in the order in which it is to be acted upon;

C. Receive, submit to vote and announce the result of all motions that are in proper order and that arise in the course of proceedings;

D. Enforce the observance of order and decorum;

E. Decide all questions of order within 7 legislative days, subject to an appeal to the House;

F. Receive all messages and other communications and announce them to the House;

G. Authenticate by the Speaker's signature bills that have passed to be enacted and resolves that have finally passed;



H. Name a member to perform the duties of Speaker during the Speaker's absence;

I. Appoint and may rescind the appointments of the following individuals at any time:

- (a) The members who are to serve on committees; and
- (b) A sergeant-at-arms, an assistant sergeant-at-arms, a document clerk, doorkeepers, a courier and 5 pages;

J. At the commencement of the session, appoint the following standing committees:

- (a) On Leave of Absence;
- (b) On Bills in the Second Reading;
- (c) On Engrossed Bills;
- (d) On Ethics;
- (e) On Elections; and
- (f) On Rules and Business of the House.

Each committee consists of 8 members, except the Committee on Rules and Business of the House, which consists of 3 members and the Speaker ex officio. Each committee shall consider and report on all subjects referred to the committee;

K. Name the person to speak when 2 or more members rise at the same time; in other instances, recognize the member who rises first and addresses the chair;

L. Appoint one monitor for each division of the House; and

M. Decide whether debate is relevant to some definite question under consideration.

**2. Powers.** The Speaker may:

- A. Appoint honorary pages;
- B. Appoint legal counsel while the Legislature is in session;
- C. Address the House on points of order, in preference to other members;  
and
- D. Vote in all cases.

**PART 3**

**CLERK**

**Rule 301. Duties of the Clerk.** The Clerk shall:

- 1. Journal.** Keep a journal of what is done by the House;
- 2. Read papers.** Read papers when required by the House or Speaker;
- 3. Note answers of members.** Note the answers of members when the House orders or when a question is taken by yeas and nays;
- 4. Notify members of committee appointments.** Notify members of their committee appointments and of the business referred to committees;
- 5. Authenticate by Clerk's signature.** Authenticate by the Clerk's signature all the orders and proceedings of the House not authenticated by the Speaker;
- 6. Responsible for documents.** Have responsibility for all the documents and papers of every kind confided to the care of the House;
- 7. Transmit messages and papers.** Transmit all messages and papers from the House to the Governor or to the Senate;

**8. Preside in Speaker's absence.** Preside in the case of the absence of the Speaker or Speaker pro tempore at the hour for meeting, until a Speaker pro tempore is chosen;

**9. File papers and documents.** File in an orderly manner at the close of the session all papers and documents in possession of the House that were passed upon or received during the session;

**10. Preside at commencement of next Legislature.** Preside at the commencement of the next Legislature until the election of the Speaker;

**11. Record House business.** Record what is done by the House until a new Clerk is chosen and qualified;

**12. Prepare daily calendar.** Prepare a daily calendar of bills, resolves and other papers assigned for that day's consideration, bills and resolves that have had their first reading, showing the disposition of each, and orders presented to the Clerk by members;

**13. Enter questions on journal.** Enter every question of order that is decided on appeal on the journal of the House with the decision of every question. The journal must include all rulings of the Chair; and

**14. Payroll of House Employees.** Certify vouchers of the officers and employees of the House for proper payment.

## **PART 4**

### **MEMBERS**

**Rule 401. Rights and duties of members.** Members of the House have the following rights and duties.

**1. Member's seat.** The seat a member draws at the commencement of the session is that member's during the session, unless the member has leave of the Speaker to change it. No other person may occupy a member's seat at any time during a session of the House.

**2. Pairing of votes.** A member may not pair that member's vote with the vote of another member.

**3. Sit at Speaker's or Clerk's desk.** A member may not sit at the desk of the Speaker or Clerk, except by the permission of the Speaker.

**4. Member may not speak.** A member may not speak without first rising and addressing the Speaker and being recognized, and a member may not speak while away from that member's seat without leave from the Speaker. A member shall sit down as soon as the member is done speaking.

**5. Debate.** A member shall limit debate to that which is relevant to some definite question under consideration.

**6. May not interrupt.** A member may not interrupt another member while the other is speaking, except to call to order or correct a mistake. A member may not stand up to the interruption of another while any member is speaking, pass unnecessarily between the Speaker of the House and the person speaking, stand in an aisle or sit or stand covered during the session of the House.

**7. Speak more than twice.** A member may not speak more than twice to the same question without first asking leave of the House. Any other member objecting to that member speaking more than twice to the same question must stand and be recognized by the Speaker of the House and the objection must be noted.

**8. Counsel.** A member may not act as counsel for any party before a joint committee of the Legislature or a committee of the House.

**9. Leave of absence.** A member may not be absent more than 2 days without leave of the House; and a member may not have such a leave, unless it is reported by the Committee on Leave of Absence.

**10. Papers.** Any member having obtained leave of absence shall leave any papers relating to the business before the House with the Clerk.

**11. Breach of rules.** When any member is guilty of a breach of any of the rules and orders of the House and the House has determined that the member has violated a rule or order, that member may not be allowed to vote or speak, unless by way of excuse for the breach, until the member has made satisfaction.

**12. Voting.** A member who is in the House when a question is put shall vote, unless the presiding officer for reasons excuses that member. When yeas and nays are ordered, a member may not leave the member's seat until the vote is declared. A call for yeas and nays must close no more than 30 minutes after a roll call is commenced. In all elections by the House, or on joint ballot of the Chambers, a member may not leave the member's seat after voting, before a return of the House is had. A member may not vote on any question before the House when that question immediately involves that member's private right as distinct from the public interest.

**13. Sponsor obtains signatures.** A bill or resolve in final form that is ready for signature whose primary sponsor is a member of the House may be circulated for signatures only by the sponsor or cosponsors of that bill or resolve, except that legislation presented by a department, state agency or the Governor may be circulated by agents of the department, the state agency or the Governor. This does not preclude a bill or a resolve from being held for signature in the Office of the Speaker of the House, the offices of the minority or majority party or the Office of the Revisor of Statutes.

## **PART 5**

### **PROCEEDINGS AND DEBATES**

**Rule 501. Order of business.** After reading of the journal, the following is the order of business:

- 1st. Senate papers;
- 2nd. Messages and documents from the Senate, the executive, heads of departments and others;
- 3rd. Reception of petitions, bills and resolves requiring reference to any committee;
- 4th. Orders;
- 5th. Expressions of legislative sentiment - Special sentiment calendar;
- 6th. Reports of committees and first reading of accompanying bills and resolves;
- 7th. Consent calendar - First Day;
- 8th. Consent calendar - Second Day;
- 9th. Bills and resolves reported by the Committee on Bills in the Second Reading and on their passage to be engrossed;
- 10th. Bills on their passage to be enacted; and
- 11th. Orders of the day.

A paper may not be taken up out of its regular order. Business may not be transacted in the House after the hour of 9:00 p.m.

**Rule 502. Unfinished business.** The unfinished business of the House at the time of the last adjournment has preference in the orders of the day and continues to be among the orders of the day for each succeeding day until action on it is completed.

**Rule 503. Motions and concurrence.** The following rules apply to motions and questions of concurrence with the Senate.

A. When a question is under debate, a motion may not be received, except a motion:

- 1st. To adjourn;
- 2nd. To table unassigned;
- 3rd. For the previous question;
- 4th. To commit;
- 5th. To table to a day certain;
- 6th. To amend; or
- 7th. To postpone indefinitely.

These motions have precedence in the order in which they are arranged. A motion to adjourn must be decided without debate.

B. Questions of concurrence with the Senate have precedence in the following order:

- 1st. To recede;
- 2nd. To concur;
- 3rd. To insist; or
- 4th. To adhere.

**Rule 504. Previous question.** When a motion for the previous question is made, the consent of one third of the members present is necessary to authorize the Speaker to entertain the motion. Debate is not allowed until the matter of consent is determined. The previous question must be submitted in the following words: Shall the main question be put now? A member may not speak more than 5 minutes on the motion for the previous question. A call for the yeas and nays or for division of a question is in order after the main question has been ordered to be put. After the adoption of the previous question, the vote must be taken upon amendments and then upon the main question.

**Rule 505. Consideration of business.** In filling blanks and assigning times for the consideration of business, the longest time must be put first.

**Rule 506. Germane amendments.** An amendment must be germane to the proposition under consideration.

**Rule 507. Printing and distribution of amendments.** An amendment to a bill or resolve may not be acted upon by the House until the same has been printed and distributed to the members under the direction of the Clerk, unless the same bears the recommendation of the Committee on Rules and Business of the House that such printing be dispensed with; and any amendment not so printed or bearing such recommendation must lie on the table until printed or until the Committee has recommended that such printing be dispensed with. All amendments filed with the Clerk for printing must bear the signature of the member filing the same.

A House amendment that strikes and replaces in total a committee amendment is not properly before the House.

**Rule 508. Withdrawal of motion, order or amendment.** A motion, order or amendment may be withdrawn by a sponsor only prior to a vote, except that a motion to reconsider may be withdrawn only with consent of the House.

**Rule 509. Process when declared vote doubted.** When a vote declared by the Speaker is doubted, the members for and against the question, when called on by the Speaker, shall vote again without further debate.

**Rule 510. Yeas and nays.** A call for the yeas and nays is in order at any time before a vote is made certain and declared.

**Rule 511. Motion to reconsider.** When a motion has been made and carried in the affirmative or negative, it is in order for any member who voted with the prevailing side, or in the negative on a tie vote, to move to reconsider on the same or succeeding day. A motion to reconsider may not be tabled unassigned. A motion to reconsider is not in order more than once on the same question. When a member moves or gives notice of the member's intention to move a reconsideration of any vote, the papers to which the motion relates must remain in possession of the Clerk until the question of reconsideration has been decided, or the right to move such a question is lost. Notwithstanding the provisions of this rule, any member may move for reconsideration of a committee reference on the floor. A majority vote is necessary to overturn the original committee of reference.



**Rule 512. Elections.** In all elections by ballot of the House a time must be assigned for the election at least one day prior to the election.

**Rule 513. Opinion of justices.** A proposition to require the opinion of the justices of the Supreme Judicial Court, as provided by the Constitution, may not be acted upon until the next day after the proposition is made.

**Rule 514. Signature required.** All petitions, memorials and other papers addressed to the House, and all bills and resolves to be introduced in the House, must bear the signature of the member or member-elect presenting them.

**Rule 515. Second reading.** All bills and resolves in their Second Reading must be committed to the standing Committee on Bills in the Second Reading to be examined and corrected. The Revisor of Statutes is the clerk of the Committee on Bills in the Second Reading.

**Rule 516. Two several readings.** A bill may not pass to be engrossed until the bill has had 2 several readings; the House shall assign the time for the second reading. Every resolve that requires the approval of the Governor must have 2 several readings.

**Rule 517. Engrossed bills.** All engrossed bills and resolves must be committed to the standing Committee on Engrossed Bills to be strictly examined; if found by the committee to be truly and strictly engrossed, the committee shall so report to the House, and the question must be taken without any further reading. The Speaker of the House may order any bill or resolve to be engrossed upon its introduction to the House.

**Rule 518. Report by committee.** A bill or resolve must be reported by a committee.

**Rule 519. Special consent calendar.** A bill or resolve that bears a unanimous Ought to Pass or Ought to Pass as Amended report by the committee to which it has been referred, upon notification to the House, must, without further action, be placed by the Clerk upon the special consent calendar and remain there for 2 legislative days; the bill or resolve, at the termination of these 2 days, is considered as passed to be engrossed. Upon objection of any member to the placement or retention of any bill or resolve on the consent calendar, that bill or resolve ceases to be a consent calendar bill. If a bill or resolve is taken from the special consent calendar, the first order of business with respect to the bill or resolve must be whether to accept the committee report.

Any expression of legislative sentiment must be placed by the Clerk upon a special consent calendar and remain there for one legislative day. At the end of the legislative day the legislative sentiment is considered passed or adopted. Upon objection of any member to the placement or retention of such an expression on the consent calendar, the legislative sentiment must be removed and the question before the House is passage or adoption.

**Rule 520. Notice to House.** The Speaker shall give the House notice before an engrossed bill or resolve may be sent to the Senate.

**Rule 521. Veto.** When a bill or resolve is returned by the Governor with objections, the question must be stated by the Chair: Shall this bill become a law notwithstanding the objections of the Governor? and the same in substance in the case of a resolve. The question may be postponed to a day within the session, not exceeding one week. No other question may apply to bills and resolves originating in either branch.

When a bill or resolve is returned by the Governor with any dollar amount disapproved pursuant to the Governor's line-item veto power, the House shall act upon the disapproved item or items within 5 days of receiving the bill or resolve from the Governor.

**Rule 522. Rules of parliamentary practice.** The rules of parliamentary practice comprised in Mason's Rules govern the House in all cases in which they are applicable and in which they are not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Representatives. In the event that Mason's Rules do not cover the parliamentary practice in question, then Reed's Rules govern. If neither Mason's Rules nor Reed's Rules cover the parliamentary practice in question, the rules of any other standard authority may be applied.

**Rule 523. Dispensation of rule or order.** A rule or order of the House may not be dispensed with unless two thirds of the members present consent to the dispensation.

**Rule 524. Amendment, adoption or repeal of rule or order.** A rule or order of the House may not be altered or repealed, nor may any new standing rule or order be adopted, unless one day's previous notice is given in each case. The notice must be entered on the journal. Notwithstanding this rule and Rule 523, after the convening of the First Regular Session, and before the fourth Friday in January in odd years, any amendment to the House Rules proposed by a House Order may be adopted by a majority vote in the House. If the amendment has already failed to be adopted during that session, it may only be adopted if, upon reconsideration, it receives the approval of two thirds of the members present in the House.

**Rule 525. Penobscot Nation and Passamaquoddy Tribe.** The member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the Legislature must be granted seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; must be appointed to sit with joint standing committees as nonvoting members during the committees' deliberations; and be granted such other rights and privileges as may from time to time be voted by the House of Representatives. In reports from committees on which a tribal member serves, the position of the member must be noted and included. The names of the member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the biennial session of the Legislature must be included on the roll call board for purposes of electronically recording their attendance only.